

Ordinance No. 2009-01
Alarms

Article I

Alarm Systems and Users

1-1. Purpose

The purpose of this Article is to provide minimum standards of operation and regulations applicable to emergency and burglar alarm systems and users.

1-2. Authority

This Ordinance is adopted by the Barrington Board of Selectmen pursuant to RSA 31:39.

1-3. Definitions

Alarm System: an alarm signal device, burglar alarm, heat or motion sensor or other electrical, mechanical or electronic device which automatically initiates a communication with an outside emergency response provider, including but not limited to, the Police and Fire Departments and which is used;

- A. To prevent or detect burglary, theft, pilferage, fire or other loss of property.
- B. To prevent or detect intrusion or
- C. Primarily to detect and summon aid for other emergencies.

Alarm User: any homeowner, business, commercial or professional organization who uses an alarm system to protect their property.

1-4. Alarm user's permit

Within sixty (60) days after the effective date of this Article, every alarm user shall obtain an alarm user's permit for each alarm system he operates within the Town of Barrington. This permit shall be obtained through the office of the Chief of Police. Prior to the installation of a new alarm system(s) an application shall be submitted and reviewed by the Fire and/or Police Chiefs as applicable. If all of the information required by the application is provided and the applicable fee paid, the Chief of Police shall issue the alarm user's permit. Alarm permits shall be valid for one year, and shall be renewed annually.

1-5. Application

- A. The alarm user applying for the permit required in 1-4 of this Ordinance shall complete a permit application, on a form prescribed by the Chief of Police, which application shall require the alarm system user's name, the address of the residence or business or businesses where the alarm system has been or will be installed, the alarm system user's telephone number, the type of alarm system (local, direct, connect, central station, etc.) and the name, date of birth, address and telephone number of at least two other persons who are authorized to respond to an alarm signal and who can open the premises in which the system is installed.
- B. Alarm users shall ensure that all information submitted in an alarm user permit application is kept current. Any changes made to any alarm system equipment termination point, or list of persons to be notified in the event of an alarm shall be reported to the Chief of Police in writing within ten (10) days of such change. The Police Chief will provide copies of all forms to the Fire Chief if fire alarms or medical alert systems are involved.
- C. The permit holder shall renew the permit annually by filing an Annual Request for Information with the Office of the Chief of Police. The Chief of Police shall mail Annual Requests for Information to each holder of an alarm user's permit in the month of January.
- D. Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm user's permit or renewal or while making a change thereto shall be sufficient cause for refusal to grant or revocation of the permit.

1-6. Fee

- A. There shall be a fee of twenty-five dollars (\$25) for the initial alarms user's permit application submitted for any alarm system installed after adoption of this Ordinance. There shall be no fee for alarm user's permit applications which are submitted within 60 days of the adoption of this Ordinance for alarm systems which have been installed prior to the adoption of this Ordinance.
- B. There shall be no annual renewal fee if the alarm user responds to the Annual Request for Information within 30 days. Should a second notice/request be required to be sent, a \$25.00 fee will be required to renew the alarm user's permit.
- C. If a residential alarm user is over the age of sixty-five (65) and is the primary resident of the dwelling and if no business is conducted in the residence, the Police Chief shall waive the fee for the alarm user's permit.
- D. Federal, state, county or local government agencies that operate alarm systems shall be exempt from payment of a fee, but shall nonetheless be required to submit a permit application.

1-7. **Confidentiality**

- A. Unless disclosure is required by the state or federal law, or by an order of a court, the information contained in the alarm user's permit application and other information received by the Chief of Police through correspondence or communications with the alarm user shall be securely maintained and restricted to inspection by the Chief of Police and town employees specifically assigned the responsibility of handling and processing alarm user's permits in the course of their duties, Police Dispatch personnel, and Fire/EMS Dispatch personnel.

1-8. **Operation without permit; penalties**

- A. Any alarm system user who operates an alarm system without first obtaining an alarm user's permit as required by this Ordinance or who operates an alarm system when such permit has expired shall be liable in an action by the Town for a civil penalty of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500) for subsequent violations.
- B. Any alarm system user who, after having a permit revoked and after exhausting his right to a hearing, fails to disconnect his alarm system shall be liable in an action by the Town for a civil penalty of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) for subsequent violations.

1-9. **False alarms; civil assessments and revocation of permit**

- A. For the purpose of this Article, a "false alarm" shall be defined as an alarm signal eliciting a response by police or fire personnel when a situation requiring a response by police or fire personnel does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.
- B. Except during the first thirty day period following the installation of an alarm system, there shall be a service charge of twenty-five dollars (\$25) for each false alarm received in excess of five (5) in a calendar year, which shall be paid over to the Town of Barrington. For purposes of this section, a "calendar year" shall be defined as the period from January 1 through December 31. In addition, false alarms may form the basis for revocation of an alarm user's permit as provided in Article 1-10 of this Ordinance. If the false alarm is due to an alarm system malfunction, which is in the process of being repaired or where immediate steps are taken to identify or correct the problem(s), the Chief of Police may waive the service charge. Refusal to pay the service charge within thirty (30) days may cause the alarm user's permit to be revoked in accordance with Article 1-10 of this Ordinance.
- C. In any case when an alarm is received at either the Police or Fire Dispatch and the Police or Fire Departments are unable to locate or make contact with the persons

responsible for the alarm system, as designated by the alarm user on the application form or in case the persons responsible do not respond when notified, a service charge of twenty-five (\$25) shall be paid over to the Town of Barrington by the alarm user.

1-10. Revocation procedure

- A. If five false alarms in a calendar year as stated in Article 1-9 of this Ordinance, the Chief of Police shall request, in writing that the alarm user's permit holder submit a report within fifteen (15) days describing efforts to discover and eliminate the cause of the false alarms. If the alarm user requests an extension of time to file this report based on some extraordinary circumstances, the Chief of Police may extend the fifteen day period for a reasonable time. If the permit holder fails to submit his report within the specified period, the Chief of Police shall notify the alarm user in writing that his alarm user's permit has been revoked.
- B. If the alarm users submits a report as required by Article 1-10, A of this Ordinance, but the Chief of Police finds the report unsatisfactory, then the Chief of Police may direct the alarm user in writing to take specific action to reduce the number of false alarms.
- C. If, after the submission of a report required by Article 1-10, A of this Ordinance which is satisfactory to the Chief of Police, the alarm system of the permit holder incurs two (2) or more false alarms during the same calendar year, the Chief of Police may issue written notice of his intent to revoke the alarm user's permit, specifying the reasons for revocation.
- D. Upon receipt of a notice of intent to revoke an alarm user's permit, the permit holder may within ten (10) days of such receipt submit a written request for a hearing before the Chief of Police, setting forth the reasons that his permit should not be revoked. Written notice of the time and place of the hearing shall be served on the permit holder by the Chief of Police at least five (5) days prior to the date set for the hearing.
- E. At the hearing before the Chief of Police, the holder of the permit or his authorized representative shall have the right to present evidence on his own behalf. After the hearing, the Chief of Police may 1) issue an order of revocation; 2) withdraw the notice of revocation; or 3) allow a reasonable time, not to exceed fifteen (15) days, in which the alarm user must take action to eliminate the cause(s) of the false alarm to the satisfaction of the Chief of Police. Failure to take such action shall result in revocation.

1-11. Restoration of revoked permit

- A. An alarm user whose permit has been revoked may apply for a revoked user's permit. The Chief of Police shall not be required to issue a revoked user permit unless he is satisfied that the alarm user's system has been properly serviced and its deficiencies

corrected. The Chief of Police may also impose reasonable restrictions and conditions upon the user before issuing a revoked user's permit and these restrictions and/or conditions shall appear on the permit and shall provide for automatic revocation on the occurrence of four (4) false alarms in the remaining permit year.

B. In situations where a revoked user's permit is revoked under the conditions in Article 1-11, A of this Ordinance, there shall be no appeal to the Chief of Police and this revocation shall remain in effect for the remainder of the calendar year.

C. The fee for issuance of a revoked user's permit shall be one hundred dollars (\$100).

1-12. Service of notice

When any town official has the right or is required to act within a prescribed period pursuant to this Article and service is made by mail, one (1) day shall be added to the prescribed period. In lieu of service by mail, delivery may be made by hand.

DATE 12/31/08
BY [Signature]
[Faint text]